

EXHIBIT D



U.S. Department of Justice

Bureau of Alcohol, Tobacco,
Firearms and Explosives

Firearms Technology Industry Services Branch

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Martinsburg, WV 25405
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907010:DLH
3311/322714

December 27, 2022

Mr. Loran Kelley
Polymer80 Inc.
134 Lakes Blvd
Dayton, NV 89403
FFL# 9-88-019-07-2J-04702

Dear Mr. Kelley:

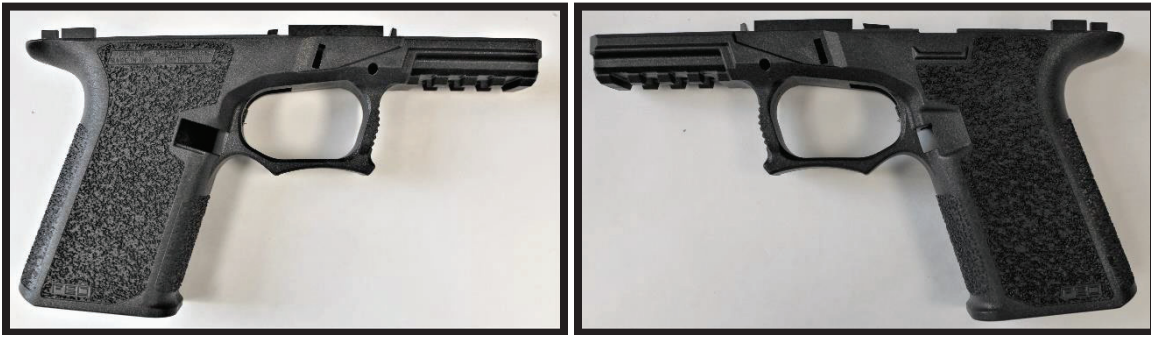
This correspondence serves to inform you that the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Firearms Technology Industry Services Branch (FTISB), has evaluated multiple semiautomatic, striker-fired pistols (sometimes generally referred to as “Glock-type” pistols) manufactured by Polymer80 Inc. Applying the regulatory text of the final rule titled *Definition of ‘Frame or Receiver’ and Identification of Firearms* (Final Rule 2021-05F), partially complete Polymer80 striker-fired semiautomatic pistol frames, including, but not limited to those sold within parts kits, have reached a stage of manufacture where they “*may readily be completed, assembled, restored, or otherwise converted*” to a functional frame. Therefore, *even without* any associated templates, jigs, molds, equipment, tools, instructions, or guides, these partially complete pistol frames are “**frames**” and also “**firearms**” as defined in the Gun Control Act (GCA) and its implementing regulations, 18 U.S.C. § 921(a)(3)(B) and 27 CFR 478.12(a)(1), (c).



Polymer80, model PF940V2 partially complete frame - FIREARM

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Polymer80, model PF940C (V1) partially complete frame - FIREARM

Background:

The GCA defines the term “**firearm**” as: “...*(A) any weapon (including a starter gun) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.*” 18 U.S.C. § 921 (a)(3) (emphasis added). The GCA implementing regulations define the terms “**frame**” and “**receiver**” by describing a single housing or structural component for one specific fire control component of a given weapon—for example, a single housing is specified for particular weapons such as a “handgun” and a “rifle.” 27 CFR 478.12(a).

The GCA implementing regulations define the term “**frame**” as: “*the part of a handgun, or variants thereof, that provides housing or a structure for the primary energized component designed to hold back the hammer, striker, bolt, or similar component prior to initiation of the firing sequence (i.e., sear or equivalent), even if pins or other attachments are required to connect such component to the housing or structure.*” 27 CFR § 478.12(a)(1).

Further, 27 CFR § 478.12(c) explains when a partially complete, disassembled, or nonfunctional frame or receiver, including a frame or receiver parts kit, is regulated as a “**frame**” or “**receiver**.”

*The terms “**frame**” and “**receiver**” shall include a partially complete, disassembled, or nonfunctional frame or receiver, including a frame or receiver parts kit, that is designed to or may readily be completed, assembled, restored, or otherwise converted to function as a frame or receiver, i.e., to house or provide a structure for the primary energized component of a handgun, breech blocking or sealing component of a projectile weapon other than a handgun, or internal sound reduction component of a firearm muffler or firearm silencer, as the case may be. The terms shall not include a forging, casting, printing, extrusion, unmachined body, or similar article that has not yet reached a stage of manufacture where it is clearly identifiable as an unfinished component part of a weapon (e.g., unformed block of metal, liquid polymer, or other raw material). When issuing a classification, the Director may consider any associated templates, jigs, molds, equipment, tools, instructions, guides, or marketing materials that are sold, distributed, or possessed with the item or kit, or otherwise made available by the seller or distributor of the item or kit to the purchaser or recipient of the item or kit.”*

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Lastly, 27 CFR § 478.11 defines the term “**readily**” as: “*A process, action, or physical state that is fairly or reasonably efficient, quick, and easy, but not necessarily the most efficient, speediest, or easiest process, action, or physical state. With respect to the classification of firearms, factors relevant in making this determination include the following:*

- (a) Time, i.e., how long it takes to finish the process;*
- (b) Ease, i.e., how difficult it is to do so;*
- (c) Expertise, i.e., what knowledge and skills are required;*
- (d) Equipment, i.e., what tools are required;*
- (e) Parts availability, i.e., whether additional parts are required, and how easily they can be obtained;*
- (f) Expense, i.e., how much it costs;*
- (g) Scope, i.e., the extent to which the subject of the process must be changed to finish it; and*
- (h) Feasibility, i.e., whether the process would damage or destroy the subject of the process, or cause it to malfunction.”*

Evaluation:

Polymer80 Inc., manufacturers multiple partially complete frames modeled after, and compatible with, components for Glock pistols. The PF940V2 is the Polymer80 version of the Glock 17 and Glock 22 full size semiautomatic pistol, while the PF940C is a compact semiautomatic pistol compatible with the Glock 19 and Glock 23. Other models such as the PF940SC (subcompact), PF45 (.45ACP/10mm) and PF9SS (single stack) emulate other models of Glock pistols. Polymer80 partially complete frames utilize Glock or Glock-type components to complete the assembly of the weapon. These designs utilize slide rail components, including the Locking Block Rail System (LBRS) and Rear Rail Module (RRM), as described below.

FTISB evaluation identified that the above-listed Polymer80 partially complete frames have the following features:

- External and internal contours appear to be complete
- Steel serial number plate insert imbedded into frame in a manner to be marked as required under 27 CFR § 478.92
- Magazine well appears to be finished
- Finished clearances to house magazine catch
- Finished channel and contours for magazine catch spring
- Trigger guard completed
- Trigger clearance into trigger guard area
- Cavities fully formed for slide lock springs
- Housing and clearance for the slide lock lever complete
- Contours and clearances for the slide stop lever complete
- Interior channel of dust cover partially formed
- Clearances for the trigger bar complete
- Front pin holes for LBRS completed

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- Locking Block pin holes not completed
- Trigger pin holes not completed
- Trigger Mechanism Housing pin holes not complete
- Trigger cavity formed
- Recess fully formed for the LBRS
- Recess fully formed for trigger mechanism housing and RRM
- “Temporary Rails” preventing installation of RRM
- “Temporary Rails” preventing installation of the LBRS
- “Barrel Block” in dust cover channel preventing slide installation

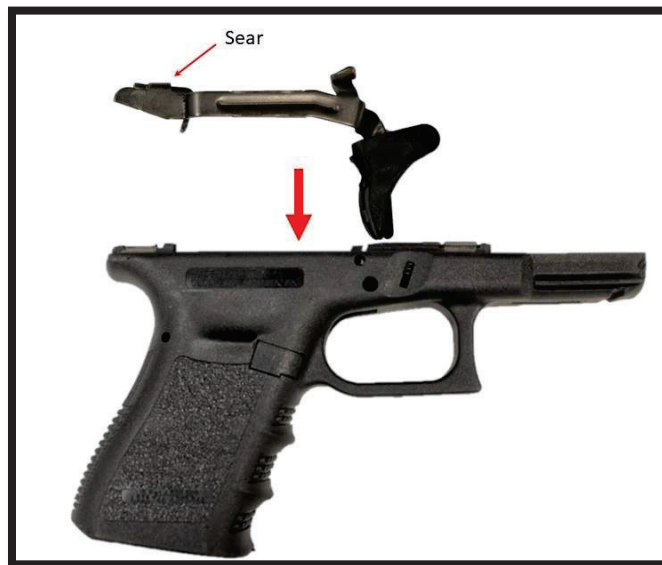
In the semiautomatic, striker-fired pistol described above, the critical areas of the “**frame**” are the front and rear fire control cavities. The front and rear cavities are critical because these areas provide housing for the sear. *See* 27 CFR 478.12(a)(1), (a)(4)(iii). As further explained and illustrated below, removing or indexing any material in these critical areas, or completing or indexing any of the pin holes necessary to install the sear, are therefore crucial steps in producing a functional frame.



In a pistol based on a Glock design, the trigger is housed in the front fire control cavity, and the sear, which is connected by the trigger bar, is located in the rear cavity

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For reference, in a pistol based on a Glock design, the trigger bar assembly contains the sear. The trigger bar assembly operates as a single unit

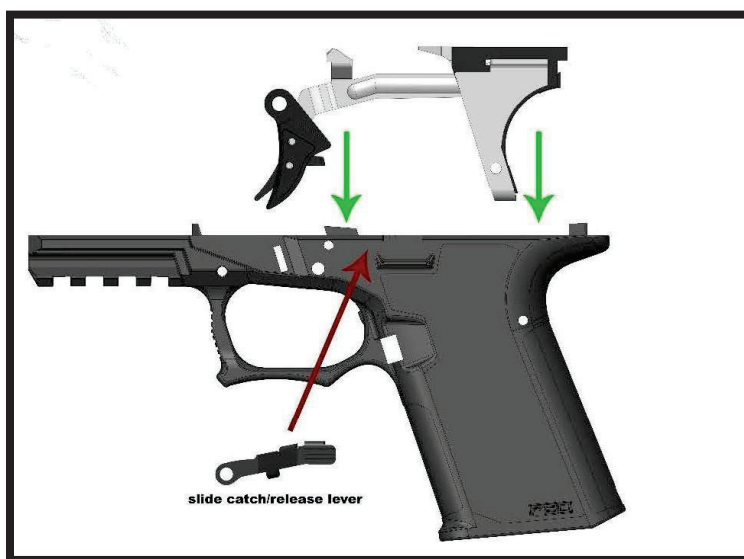


Polymer80 frame with Glock-type Fire Control Components including trigger bar assembly containing the sear

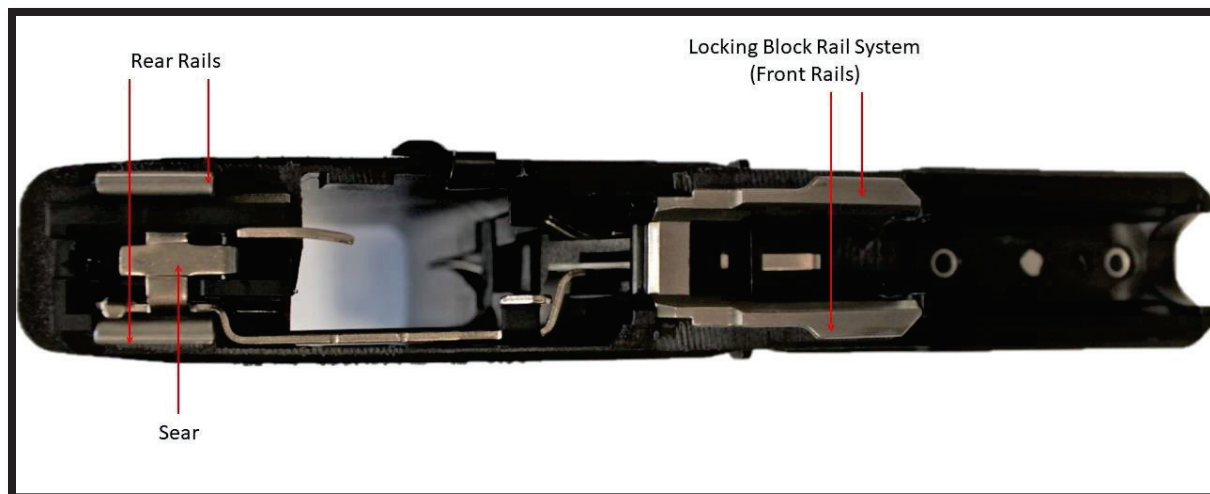
In addition, the front and rear cavities of pistol frames using this internal design incorporate slide rails that have pin holes designed to secure the trigger mechanism and sear in precise locations. Specifically, in the Polymer80 design, the front cavity also provides housing for the LBRs, and the rear cavity provides housing for the RRM. Under the Final Rule, these slide rail components are “attachments ... required to connect” the sear to the frame. *See* 27 CFR 478.12(a)(1).

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The above picture, taken from Polymer80 instructional materials, shows that the trigger bar assembly is attached to the RRM, which is attached to the frame

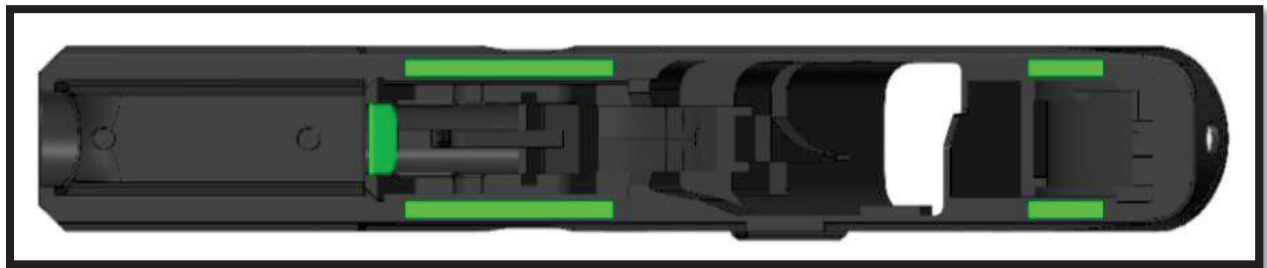


Top view of the LBRs and RRM with trigger and trigger mechanism installed

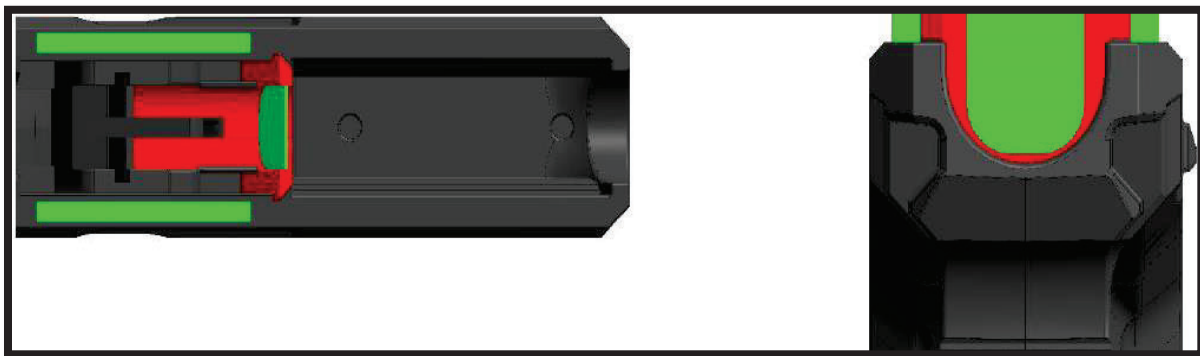
The above-mentioned “partially complete” pistol frame products marketed by Polymer80 are manufactured from a polymer material and incorporate temporary rails or blocking tabs that are easily removable by a person with novice skill, using common tools, such as a Dremel-type rotary tool, within minutes—an amount of time and a set of circumstances that are far less than required to fall within the meaning of the term “readily” in the Final Rule. Once this material is removed, the partially complete frames are immediately capable of accepting the LBRs, RRM, and fire control components, including the sear.



FIREARM - Poly80 with Temporary Rails



FIREARM - Poly80 with Temporary Rails and Barrel Blocking Tab

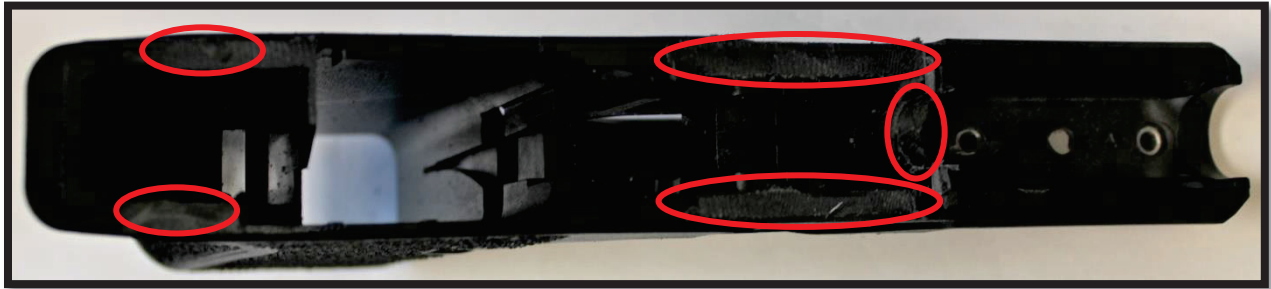


FIREARM - Poly80 with Temporary Rails and Barrel Blocking Tab

The Polymer80 partially complete frame contains a fully formed cavity for the LBRS, RRM Trigger, Trigger Bar, and Trigger Mechanism Housing. These components are critical features to these semiautomatic pistols, as discussed above. Any partially formed or indexed hole or recess is relevant, even if unfinished, because such forming or indexing facilitates the completion of this feature and reduces the time, expertise, equipment, and expense needed to make the unfinished item functional.

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“Temporary Rails” and “Barrel Block” blocking features removed within minutes



Polymer80 partially complete frame with Locking Block Rail System and Rear Rail Module – “Temporary Rails” present

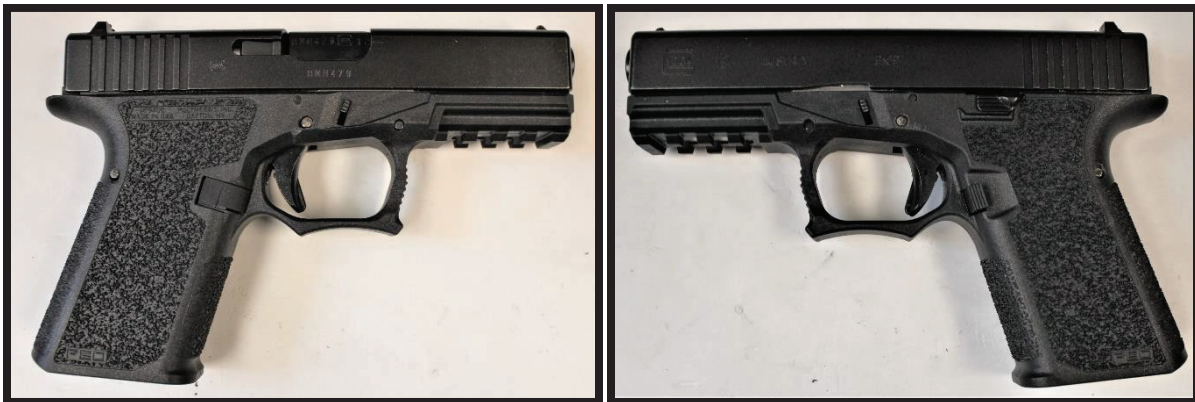


Polymer80 partially complete frame with Locking Block Rail System and Rear Rail Module – “Temporary Rails” removed



Polymer80 partially complete frame with Locking Block Rail System and Rear Rail Module installed

As the front and rear cavities were already fully formed, FTISB completed numerous Polymer80 partially complete frames by removing the “temporary rails,” “blocking tab,” and drilling of the six pin holes, with common tools, to assemble a weapon capable of expelling a projectile by action of an explosive, with completion times of 10 to 30 minutes using Glock-type parts, an amount of time and a set of circumstances that are far less than required to fall within the meaning of the term “readily” in the Final Rule. These parts are not regulated and are readily available. The time to assemble a weapon capable of expelling a projectile by action of an explosive when it was assembled was generally reduced to less than 15 minutes when completed by individuals having previous experience completing Polymer80 frames.



Polymer80 PF940C assembled with Glock 19 components into fully functional firearm

Conclusion:

Based on the above, the partially complete Polymer80, with any kind of indexing or material removed from the front or rear fire control cavities for installation of the trigger mechanism and sear, or slide rail attachments to connect the trigger mechanism and sear to the frame, has reached a stage of manufacture where it “may readily be completed, assembled, restored, or otherwise converted” to a functional frame. As examined, it is classified as a “frame” and also a “firearm,” as defined in the GCA, 18 U.S.C. § 921(a)(3)(B), and implementing regulations, 27 CFR 478.12(a)(1), (c). It is classified as a firearm even if it is not sold, distributed, marketed, or possessed with any associated templates, jigs, molds, equipment, tools, instructions, or guides.

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While the analysis allows for the consideration of how a partially complete frame is, directly or indirectly, sold, distributed, marketed, or possessed, with any associated templates, jigs, molds, equipment, tools, instructions, guides, or marketing materials, for these partially complete frames such analysis was not necessary because they are, by themselves, “frames” and “firearms” as defined in the GCA.

It is important that persons engaged in the business of manufacturing, importing, or dealing in this item do not take any steps to avoid licensing (18 U.S.C. §§ 922(a)(1), 923(a)), serialization (§ 923(i); 27 CFR 478.92(a)(2)), recordkeeping (§ 923(g)(1)(A); 27 CFR 478/125(i)), or other requirements and prohibitions of the law by selling or shipping the parts or parts kits in more than one box or shipment to the same person, or by conspiring with others to do so (18 U.S.C. §§ 2; 371). Anyone engaging in the business of manufacturing, importing, or dealing in firearms, such as those classified above, must obtain a Federal firearms license from ATF and abide by all applicable laws and regulations, including those related to marketing, recordkeeping, serialization, and background checks. Nor may any person or entity intentionally assist another to avoid such legal requirements.

Further, this item is also considered a “**defense article**” on the U.S. Munitions Import List and, therefore, requires an approved Application and Permit for Importation of Firearms, Ammunition and Implements of War (ATF Form 6) for importation into the United States under 27 CFR 447.41; 447.22, and is also subject to export controls.¹

Please note this classification applies to the samples evaluated above: the PF940V2, PF940C, PF940SC, PF45, and PF9SS. ATF has classified these items under its own regulatory authority. Please note that you must comply with the Final Rule whether or not you have submitted or received a specific classification with respect to any item. You are free to submit any additional item to ATF for voluntary classification pursuant to 27 CFR 478.92(c).

If we can be of any further assistance, please contact us.

Sincerely yours,

Digitally signed by

Daniel Hoffman

Date: 2022.12.27

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Daniel Hoffman

Chief, Firearms Technology Industry Services Branch

Cc: Patrick Gorman, Special Agent in Charge, San Francisco Field Division
Roger Root, Director, Industry Operations, San Francisco Field Division

¹ Exporters should consult with the U.S. Departments of Commerce and State to determine applicable requirements.